

**To:**

November 26, 2010

Marlene H. Dortch  
Secretary  
FCC

**Subject:****Comments on Petition Submitted by Funds For Learning**

Petition for Clarification of Confidentiality of Consultant Information Included on the New FCC Forms 470 and 471 and Definition of "Consultant"

CC Docket # 02-6

**Comments Submitted By:**

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E-Rate Advantage, LLC has reviewed the above petition submitted by Funds For Learning and agrees in principal with many of the positions taken.

Below are our comments relating to each FFL position:

## **Part 1**

### **I - A Public Database Would Be Free Advertising for Consultants**

We fully support FFL with the additional comments of:

By allowing consultants to register with USAC and receive a registration number overnight, this could give schools the false impression that USAC is endorsing them. Many consultants have worked very long and hard on their reputation and knowledge base within the e-rate program, while many have not. By creating a public database you would no doubt create a situation where consultants simply market their services on the back of the registration number claiming they are USAC endorsed, when in fact they are not. Thereby, inadvertently helping the school picks their consultant.

In a recent meeting with a school we were asked if we were USAC certified. With a few additional questions it became clear that the school was asking if we had a USAC registration number. It is an easy mistake and one that can result in misinterpretation and future confusion on the part of applicants.

We could envision a school with limited personnel and limited knowledge of the e-rate program, getting a marketing flier from a "FCC-Registered Consultant" telling them that they are endorsed by the FCC and USAC, while telling them to look them up in a database. A school in this circumstance, not knowing too much about e-rate, could simply say, "they are FCC and USAC approved, they must be good." In a worst-case scenario, this consultant does not know the program well enough and gets the school into trouble. Their applications and funding could be held up for years.

Therefore, we strongly urge against a public database of registered consultants.

### **II – A Public Database Would Create Unexpected Procurement Process Problems**

Agree without comment.

### **III – A Public Database Would Reveal Highly Confidential Business Information**

We support the position taken by FFL.

Consultants that we know work very hard to work within the rules of the program and develop a client base to support their businesses. We see no benefit to applicants or the E Rate program to make a consultant's list of clients available to the public. We strongly support the Commission issuing a protective order, keeping consultants client lists confidential.

**IV – A Public Database Would Make it More Difficult For Certain Applicants to Receive E-rate Assistance**

No Comment.

**V – USAC Collects the Same Information Now on Letters of Agency**

Agree without comment.

**VI – A Drop-Down List of FCC-Registered Consultants Could Create the Misleading Impression That the Commission Has Endorsed Those Consultants**

Strongly agree.

**VII – Signatory Information on E-Rate Forms is Already Kept Confidential**

Agree without comment.

**Part 2: Definition of “Consultant” and Other Unanswered Questions**

Agree without comment.